

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/28/2006 is being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 15, the detent receiver and said retainer receiver each comprise separate apertures must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: Page 6, line 23 "straight hook-shaped inward face 76", Page 6, line 25 "outface 78", and page 6, line 29 "slopped surface 78" are not in any of the figures.

Appropriate correction is required

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

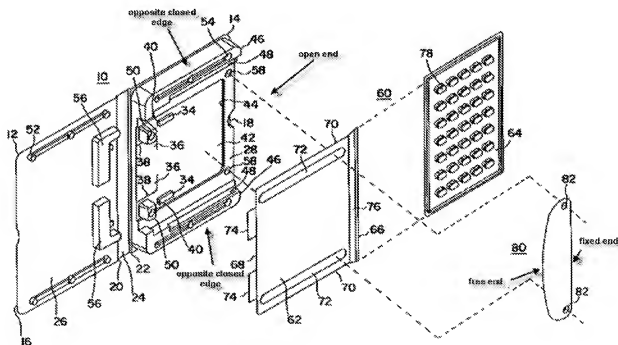
Claim Rejections - 35 USC § 102

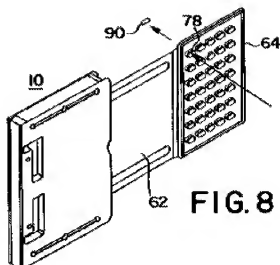
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 6, 8-11, 13, 14, and 16-18 rejected under 35 U.S.C. 102(b) as being anticipated by Buss (US Patent 6,349,831).





9. In re claim 1, with reference to figures 1 and 8, Buss ('831) discloses a storing and dispensing system, comprising: a case (10) and a slideable card (64) holding items to be dispensed; said card (64) comprising at least one detent receiver (72) and at least one retainer receiver (72); said case (10) comprising: a first side (12) matingly connected to a second side (14) to form a void for receiving said card (64); opposite closed edges and a closed end (24) formed by said mated connection and further defining said void; an open end opposite said closed end (24) configured to permit said card (64) to translate between a first position (closed) and a second position (opened); at least one detent (34) extending from one of said sides (14) toward said void for engaging said detent receiver (72); a release proximate (36) to said detent (34) configured to disengage said detent receiver (72) and said detent (34); and whereby engaging said detent (34) and detent receiver (72) locks said card (60) within said case (10), and manipulating said release (36) to disengage said detent (34) and detent receiver (72) unlocks said card (64).

10. In re claim 2, with reference to figure 1, Buss ('831) discloses a storing and dispensing system comprising a means for engaging located adjacent to said detent (34) for urging said detent receiver (72) to engage said detent (34).

11. In re claim 3, with reference to figure 1, Buss ('831) discloses a storing and dispensing system comprising a retainer (80) located within said void having a fixed end and a distal free end, said free end configured to engage said retainer receiver (72) and interrupt the separation of said card (64) from said case (10). See column 6, lines 3-5

12. In re claim 6, with reference to figures 1 and 8, Buss ('831) discloses wherein said card (64) comprises a unit dose blister card (64) holding consumable medicaments (90). See column 4, paragraph 3

13. In re claim 8, with reference to figure 1, Buss ('831) discloses wherein said first position (closed) comprises said detent (34) engaged with said detent receiver (72), and said card (64) is substantially enclosed within said case (10).

14. In re claim 9, with reference to figure 1, Buss ('831) discloses wherein said second position (opened) comprises said retainer (80) engaged with said retainer receiver (72), and said card (64) is substantially extended beyond said case (10).

15. In re claim 10, with reference to figures 1 and 8, Buss ('831) discloses a child-resistant apparatus comprising a base (12) matingly connected to a top (14) to form a void for receiving a blister card (64) holding medicaments (90); opposite sides and a dosed end (24) formed by said mated connection, further defining said void; an open end opposite said dosed end (24), configured to permit translating motion of said card (64); at least one detent (34) positioned within said void to engage said card (64) in a first, substantially received, position (closed); at least one means for engaging positioned within said void and adjacent to said detent (34), configured to urge said card (60) to engage said detent (34) when said card (64) is in said first position (closed); a release (36), integral to said case (10) and proximate to said detent (34), configured to disengage said card (64) from said detent (34); and at least one retainer (80) positioned within said void to engage said card (64) in a second, substantially extended, position (opened).

16. In re claim 11, with reference to figure 1, Buss ('831) discloses wherein said means for engaging comprises at least one inwardly extending appurtenant (56).

17. In re claim 13, with reference to figure 1, Buss ('831) discloses wherein said retainer (80) comprises a releasable, inwardly extending appurtenant. See column 4, paragraph 5

18. In re claim 14, with reference to figures 1 and 8, Buss ('831) discloses a blister card (64) for use with a child-resistant blister card receiving case (10), comprising a first side having a plurality of pliable blisters (78) configured to receive medicaments (90); at least one medicament positioned (90) within at least one blister (78); a breakable sealant affixed to a second side and securing said medicaments (78) in said, respective, blisters (78); at least one detent receiver (72), configured to engage a detent (34) of said case (10) when said card (64) is in a first, substantially received position (closed); at least one retainer receiver (72), configured to engage a retainer attached (80) to said case (10) when said card (64) is in a second substantially extended position (opened); and wherein said blisters (78) are positioned to permit said card (64) to slide between said first and second positions (closed and opened). See column 4, paragraph 1

19. In re claim 16, with reference to figure 1, Buss ('831) discloses wherein said detent receiver (72) and said retainer receiver (72) each comprise the same aperture.

20. In re claim 17, with reference to figure 1, Buss ('831) discloses wherein said first position (closed) comprises said card (64) substantially enclosed within said case (10).

21. In re claim 18, with reference to figure 1, Buss ('831) discloses wherein said second position (opened) comprises said card (64) substantially extended beyond said case (10).

Allowable Subject Matter

22. Claims 4, 5, 7, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sledge (US Patent 5,275,291), Maietta (US Patent 6,789,677), Harrold (US Patent 6,460,693), Evans et al. (US Patent 6,491,211), and Johnstone et al. (US Patent 6,047,829) all disclose child resistant safety comprising a case and a slideable card holding items to be dispensed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERNESTO A. GRANO whose telephone number is (571)270-3927. The examiner can normally be reached on 9:00am - 4:00pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4147

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ernesto A Grano
Examiner
Art Unit 4147

/George Nguyen/
Supervisory Patent Examiner, Art Unit 4147